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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JANE ROE, in individual,
Plaintiffs

v.

CITY OF SAN DIEGO, CHIEF OF
POLICE WILLIAM LANSLOWNE,
AREVALOS, AND does 1-50, inclusive,
Defendants.

No. **'12CV0243 W WVG**
COMPLAINT FOR DAMAGES

1. Violation of Civil Rights
(42 U.S.C. §1983)
2. *Monell Claim*
(42 U.S.C. §1983)

DEMAND FOR JURY TRIAL

JURISDICTION

Jurisdiction of this court is invoked under 28 U.S.C. §§ 1343, (1), (2), (3) and
(4). This action at law for money damages arises under Title 42 U.S.C. Section 1983
and the United States Constitution, the laws of the State of California and common

1 law principles to redress a deprivation under color of state law of rights, privileges and
2 immunities secured to Plaintiffs by said statutes, and by the First, Fourth, and
3 Fourteenth Amendments of the United States Constitution.

4
5 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

6 1. At all times herein mentioned, Plaintiff JANE ROE, was a resident of the
7 County of San Diego, California.

8 2. At all times herein mentioned, Defendants OFFICER ANTHONY
9 AREVALOS, individually and as a peace officer and DOES 1-50 were employees of
10 the City of San Diego and the San Diego Police Department.

11 3. Defendant CITY OF SAN DIEGO, (hereinafter referred to as "CITY")
12 is and at all times herein mentioned has been a public entity and an incorporated
13 county duly authorized and existing as such in and under the laws of the State of
14 California; and at all times herein mentioned, Defendant CITY has possessed the
15 power and authority to adopt policies and prescribe rules, regulations and practices
16 affecting the operation of the San Diego Police Department, and particularly said
17 Department's Patrol, Internal Investigations and Training and Personnel Divisions and
18 other operations and subdivisions presently unidentified to Plaintiff, and their tactics,
19 methods, practices, customs and usages.

20 4. Defendant WILLIAM LANSDOWNE was and is the Chief of Police of
21 Defendant CITY OF SAN DIEGO, and agent of Defendant CITY OF SAN DIEGO.
22 Plaintiff is informed and believes and based upon that alleges that Defendant
23 LANSDOWNE is responsible for implementing, maintaining, sanctioning, or
24 condoning policies, practices, and customs, under which the other Defendants
25 committed illegal or wrongful acts that are complained of in this lawsuit. By reason
26 of these policies, practices, and customs, Defendant LANSDOWNE is liable for the
27 damages that resulted.

28 5. Plaintiffs are informed and believe and thereon allege that each of the

1 Defendants designated as a DOE is intentionally responsible in some manner for the
2 events and happenings herein referred to, and thereby proximately caused injuries and
3 damages as herein alleged. The true names and capacities of DOES 1 through 50,
4 inclusive, and each of them, are not now known to Plaintiff who therefore sues said
5 Defendants by such fictitious names and will be added to this action as provided by
6 California Code of Civil Procedure Section 484.

7 6. Defendants, and each of them, did the acts and omissions hereinafter
8 alleged in bad faith and with knowledge that their conduct violated well established
9 and settled law.

10 7. The incidents complained of began in the City of San Diego on January
11 20, 2010 on which date Defendant AREVALOS maliciously, forcibly and unlawfully
12 sexually assaulted and battered Plaintiff JANE ROE. AREVALOS was in full San
13 Diego Police uniform and on duty at the time he placed his hand inside Plaintiffs'
14 pants and grabbed her genitals.

15 8. The sexual assault was without permission by Plaintiff, and against her
16 will.

17 9. Upon being informed of Plaintiffs accusations against AREVALOS and
18 DOES 1-50, an administrative investigation was commenced and determined that
19 there was overwhelming evidence that Plaintiff had been sexually assaulted by
20 AREVALOS. Still, instead of terminating AREVALOS, Defendant LANSLOWNE
21 and DOES 1-50, returned Defendant AREVALOS to the street where he continued to
22 molest more women.

23 **FIRST CAUSE OF ACTION**

24 **(42 U.S.C. § 1983 VIOLATION OF CIVIL RIGHTS)**

25 **(By Plaintiff JANE ROE Against Defendants LANSLOWNE and DOES 1-50)**

26 10. Plaintiffs refer to and replead each and every allegation contained in
27 paragraphs 1 through 9 of this complaint, and by this reference incorporates the same
28 herein and makes each a part hereof.

1 11. This action at law for money damages arises under Title 42 U.S.C. §
2 1983 and the United States Constitution, the laws of the State of California and
3 common law principles to redress a deprivation under color of state law of rights,
4 privileges and immunities secured to Plaintiffs by said statutes, and by the First,
5 Fourth, and Fourteenth Amendments of the United States Constitution.

6 12. Commencing at or about the aforementioned dates and places, without
7 cause or justification, and acting under color of law, Defendants CITY, AREVALOS
8 and LANSLOWNE, and DOES 1-50, and each of them, intentionally and maliciously
9 deprived Plaintiff of rights secured to him by the First, Fourth, and Fourteenth
10 Amendments to the United States Constitution. Defendants subjected plaintiff to
11 excessive and unreasonable force, a sexual assault and molestation, and conspired
12 together to justify and hide the unlawful use of force, sexual assault and molestation,
13 and thereby deprive Plaintiff of rights secured to her by the federal constitution.

14 13. Defendants, and each of them, carried out and perpetrated the mutually
15 supportive conspiracy to deprive Plaintiff of her rights against unreasonable searches
16 and seizures, excessive force, sexual assault, molestation and due process, by
17 participating in a corrupt effort to conceal the violation of Plaintiff's rights by hiding
18 the true facts of the egregious conduct employed by Defendants..

19 14. As a proximate result of the aforesaid acts and omissions of Defendants,
20 and each of them, Plaintiff sustained great physical and mental pain and shock to her
21 nervous systems, fear, anxiety, torment, degradation and emotional distress.

22 15. By reason of the aforementioned acts and omissions of Defendants, and
23 each of them, Plaintiff incurred medical and therapeutic expenses in an amount as
24 proved.

25 16. In addition, by reason of the aforementioned acts and omissions of
26 Defendants, and each of them, Plaintiff was forced to move out of San Diego county
27 for fear of her life and retaliation for reporting the crimes that had been committed
28 against her by AREVALOS, and was suffered loss and impairment of earnings and

1 employment opportunities all to her damage in an amount as proved.

2 17. By reason of the aforementioned acts of Defendants, and each of them,
3 Plaintiff was compelled to secure the services of an attorney at law to redress the
4 wrongs hereinbefore mentioned and by virtue thereof, Plaintiff is indebted and liable
5 for attorneys fees.

6 18. The aforementioned acts and omissions of Defendants were committed
7 by each of them knowingly, wilfully and maliciously, with the intent to harm, injure,
8 vex, harass and oppress Plaintiff with a conscious disregard of Plaintiff's
9 constitutional rights and by reason thereof, Plaintiff seeks punitive and exemplary
10 damages from Defendants, and each of them, (except Defendant CITY) in an amount
11 as proved.

12 **SECOND CAUSE OF ACTION**

13 **(UNLAWFUL CUSTOM AND PRACTICE UNDER SECTION 1983)**

14 **(By Plaintiff JANE ROE Against Defendant CITY and LANSLOWNE)**

15 19. Plaintiffs refer to and replead each and every allegation contained in
16 paragraphs 1 through 18 of this complaint, and by this reference incorporates the
17 same herein and makes each a part hereof.

18 20. Defendant CITY is and at all times herein mentioned has been a
19 public entity and an incorporated municipality duly authorized and existing as such
20 in and under the laws of the State of California; and at all times herein mentioned,
21 Defendant CITY is possessed of the power and authority to adopt policies and
22 prescribe rules, regulations and practices affecting the operation of the San Diego
23 Police Department and its tactics, methods, practices, customs and usages related
24 to internal investigations, personnel supervision and records maintenance, and the
25 proper uses of force by its rank and file, generally.

26 21. At all times herein mentioned, Defendants AREVALOS and DOES 1-
27 50, and each of them, were employees of the City of San Diego and San Diego
28 Police Department acting under the CITY'S and CHIEF LANSLOWNE's direction

1 and control, knowingly and intentionally promulgated, maintained, applied,
2 enforced and suffered the continuation of policies, customs, practices and usages in
3 violation of the First, Fourth, and Fourteenth Amendments respectively to the
4 United States Constitution, which customs, policies, practices and usages at all
5 times herein mentioned encouraged (1) the employment, deployment and retention
6 of persons as peace officers who have a propensity for brutality, dishonesty,
7 bigotry, sexual misconduct, and numerous other serious abuses of their duties as
8 peace officers in the employment of the CITY.

9 22. Defendant CITY knowingly maintains and permits official *sub-rosa*
10 policies or customs of permitting the occurrence of the kinds of wrongs set forth
11 above, by deliberate indifference to widespread police abuses, failing and refusing
12 to fairly and impartially investigate, discipline or prosecute peace officers who
13 commit acts of felonious dishonesty and crimes of violence, each ratified and
14 approved by the CITY.

15 23. The unconstitutional policies, practices or customs promulgated,
16 sanctioned or tolerated by defendant CITY include, but are not limited to:

17 (1) In 2003, shortly after Defendant LANSLOWNE became police
18 chief, he disbanded the San Diego Police Department's 20-year-old Anti-
19 Corruption Unit, commonly called the "Professional Standards Unit ("PSU")
20 which had been tasked to proactively investigate allegations against police.
21 The elimination of the PSU, an internal agency tasked with investigating its
22 own officers, signaled internally to officers that monitoring for misconduct
23 amongst them was a low priority under Defendant LANSLOWNE and was a
24 virtual green light to commit misconduct without the possibility of
25 sanctions;

26 (2) Under LANSLOWNE, the manner in which citizen's
27 complaints were logged against officers changed from citizens being
28 directed to Internal Affairs, to being required to provide all information to

1 desk officers at station houses. LANSLOWNE did this to try to keep
2 complaints in house at each station house where the supervisor of the officer
3 complained of would handle it. In most cases, supervisors took no action on
4 the complaints, and did not forward them to Internal Affairs for a more
5 impartial investigation. LANSLOWNE's policy was implemented to
6 intimidate, threaten, or harass potential or actual complainants who were
7 embarrassed to discuss the complaint with a desk officer at the same station
8 house where the officer complained of worked from. LANSLOWNE's
9 policy worked. According to records of citizen complaints required to be
10 filed with the Office of the Attorney General, complaints dropped sharply
11 when LANSLOWNE took over from former Chief David Bejarano.
12 Complaints did not, in fact, lessen under LANSLOWNE, as records would
13 suggest. LANSLOWNE's policy of requiring complaints to be made at
14 station houses where the perpetrator officer worked rather than directly to
15 Internal Affairs, scared citizens into declining to make complaints at all.

16 (3) Defendant CITY had knowledge, prior to and since this
17 incident, of repeated allegations of abuse, assaultive and sexual misconduct
18 toward detainees and arrestees; Specifically, CITY knew Defendant
19 AREVALOS and other officers had committed numerous violations of the
20 law under color of law and demonstrated AREVALOS' unfitness for
21 employment as a peace officer but refused to protect public safety and that
22 of the Plaintiffs by failing to discharge AREVALOS and DOES 1-50. CITY
23 knew San Diego police officers including AREVALOS, DOES 1-50 and
24 others had in the past and since Plaintiffs incident, committed similar acts of
25 official dishonesty, corruption and abuse of persons similarly situated to the
26 plaintiff, to wit;

27 A. On January 2, 2010, AREVALOS falsely detained,
28 falsely arrested, falsely imprisoned, and verbally sexually

1 assaulted Lacy White and Talia Tortora while on duty
2 and after he had pulled the women over for a traffic stop.

3 B. On January 9, 2010, AREVALOS falsely detained,
4 falsely arrested, falsely imprisoned, and verbally sexually
5 assaulted Melissa Marin while he was on duty and after
6 he pulled the woman over for a traffic stop.

7 C. On January 29, 2010, AREVALOS stopped Mary
8 Bracewell during a traffic stop when he was on duty and
9 made crude, sexually suggestive comments about her
10 body.

11 D. On January 11, 2010 AREVALOS stopped Marjan
12 Montazemi when he was on duty and put his bare hand
13 down Montazemi's pants, touched her vagina and
14 fondled her breasts. AREVALOS then threatened
15 Montazemi, telling her she had better not tell anyone
16 what he did because he knew where she lived.

17 E. San Diego Police Sgt. Kenneth David's former lover,
18 another police officer, had complained about him
19 stalking her and sending threatening texts to her for more
20 than one year. LANSLOWNE did nothing to protect the
21 complainant. David was not sanctioned. David ended
22 pleading guilty to misdemeanor stalking.

23 F. San Diego Police Officer Arthur Perea was accused of
24 raping a college student. LANSLOWNE and DOES 1-
25 50, prepared a strong case against Perea and referred it to
26 the Office of the District Attorney. LANSLOWNE did
27 not terminate Perea.

28 G. San Diego Police Officer Daniel Dana stands accused of

1 raping a woman. LANSDOWNE and DOES 1-50 had
2 prior complaints against Dana, but took no action against
3 him.

4 H. San Diego Police Officer Thomas Broxterman was
5 removed from the San Diego DUI task force after it was
6 determined he had falsified numerous investigation
7 reports. Some ten years later - during LANSDOWNE's
8 first year as chief - Broxterman was put back on the DUI
9 enforcement unit in the same area where he had
10 previously been writing false reports. On February 17,
11 2007 Broxterman effectuated a false arrest, and
12 fabricated investigation reports. The criminal case was
13 dismissed by the Hon. Christine Pate during a hearing in
14 which she rejected Broxterman's testimony. CITY,
15 LANSDOWNE and DOES 1-50 took no punitive action
16 against Broxterman. The wrongfully arrested suspect
17 sued Broxterman in United States District court, Case
18 No. 09CV0286 and was awarded money damages for
19 Broxterman's misconduct. CITY, LANSDOWNE and
20 DOES 1-50 took no punitive action against Broxterman.
21 Broxterman patrols the same area of Mission Beach that
22 he has for 20 years. He has never been sanctioned by
23 LANSDOWNE or CITY.

24 I. San Diego Police Officer James Zirpolo has been sued
25 repeatedly in United States District Court and paid
26 money judgments to victims. He was accused in federal
27 complaints of sexually assaulting Kathleen Johnson and
28 CITY settled the case. He brutally slammed Mara

1 Gordon's face into the asphalt during a traffic stop
2 breaking her nose. Gordon had been begging Zirpolo to
3 allow her to use her inhaler as she was having an asthma
4 attack. When he said no, and she reached for her inhaler
5 right before she could pass out, Zirpolo grabbed her by
6 the back of the head and face planted her into the
7 blacktop. CITY settled the case. Zirpolo accused
8 paraplegic Jeffrey Gorman of "resisting arrest" and
9 dragged him out of a police car, tearing the paraplegic's
10 rotator cuff. Zirpolo falsely wrote in his report that the
11 paraplegic "walked with an unsteady gait." The
12 paraplegic can't walk, much less with an unsteady gait.
13 Upon review, CITY prosecutors dismissed the resisting
14 arrest charge. Gorman has filed suit in federal court.
15 CITY, LANSDOWNE and DOES 1-50 have never
16 sanctioned Zirpolo for his use of excessive force, sexual
17 misconduct or preparation of false reports.

18 (4) Defendant CITY developed a strong case against Defendant
19 AREVALOS regarding Plaintiff JANE ROE, yet kept him employed and
20 failed to monitor him, and DOES 1-50, and officers like him. Defendants
21 CITY and LANSDOWNE knew Defendant AREVALOS would go missing
22 for hours at a time while on duty on alleged vehicle stops of female suspects.
23 Yet he would come back to the station without effectuating any arrests. This
24 was a common modus operandi of Defendant AREVALOS, yet CITY and
25 LANSDOWNE took no action;

26 (5) Defendant CITY had knowledge, prior to and since this
27 incident, of similar allegations of abuse and dishonesty by
28 Defendants, and refused to enforce established administrative

1 procedures to insure the safety of detainees and arrestees;

2 (6) Defendant CITY refused to adequately discipline individual
3 officers and employees found to have committed similar acts of abuse and
4 misconduct;

5 (7) Defendant CITY refused to competently and impartially
6 investigate allegations of abuse and misconduct alleged to have been
7 committed by San Diego Police Department officers;

8 (8) Defendant CITY reprimanded, threatened, intimidated,
9 demoted and fired officers who reported acts of abuse by other
10 officers;

11 (9) Defendant CITY covered up acts of misconduct and
12 abuse by San Diego Police Department officers and sanctioned a code
13 of silence by and among officers;

14 (10) Defendant CITY knew of and sanctioned the custom and
15 practice of falsely arresting, booking and charging victims of officer
16 physical abuse with violations of California Penal Code Sections 69,
17 243, 245, 148 , 415 and 647(f).

18 (11) Defendant CITY failed to adequately train and educate
19 officers in the use of reasonable and proper force and failed to enforce
20 the department's written regulations with respect to uses of force;

21 (12) Defendant CITY failed to adequately supervise the
22 actions of officers under their control and guidance;

23 (13) Defendant CITY condoned and participated in the
24 practice of prosecuting groundless criminal charges for the purpose of
25 insulating the CITY of SAN DIEGO and its officers from civil
26 liability and reducing or dismissing criminal charges against
27 individuals in return for releasing them from civil liability;

28 (14) Defendant CITY condones and encourages a conspiracy of

1 silence among its employees for the purpose of concealing and furthering
2 wrongful and illegal conduct by its employees;

3 (15) Defendant CITY engages in the custom and practice of
4 refusing to provide public prosecutors and criminal defendants
5 exculpatory and impeaching evidence as required by law.

6 (16) Defendant CITY fostered and encouraged an atmosphere of
7 lawlessness, abuse and misconduct, which by January 2010 and thereafter,
8 represented the unconstitutional policies, practices and customs of the CITY
9 and San Diego Police Department

10 24. By reason of the aforesaid policies, customs, practices and usages,
11 plaintiffs First, Fourth, and Fourteenth Amendments to the United States
12 Constitution were violated.

13 **PRAYER**

14 WHEREFORE, Plaintiffs pray judgment against Defendants and
15 each of them, as follows:

16 **AS TO EACH CAUSE OF ACTION AS APPLICABLE**

- 17 1. For General damages according to proof;
18 2. For Special damages according to proof;
19 3. For Punitive damages as provided by law, in an amount to be proved
20 against each individual Defendant;
21 4. For attorney's fees pursuant to 42 U.S.C § 1988 and California Civil
22 Code §§52, and 52.1;
23 5. For Costs of suit;
24 6. For such other and further relief as the Court may deem proper.

25 DATED: January 19, 2012

MARY F. PREVOST
TATE LOUNSBERY

/s/ Mary Frances Prevost

27 By: Mary Frances Prevost
28 Attorneys for Plaintiff

PLAINTIFFS JURY DEMAND

Plaintiff hereby demands a trial by jury.

DATED: January 19, 2012

**MARY F. PREVOST
TATE LOUNSBERY**

/s/ Mary Frances Prevost

By: Mary Frances Prevost
Attorneys for Plaintiff

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Jane Roe

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mary Frances Prevost, 402 W. Broadway, Ste. 950, San Diego, CA 92101; Tel: (619) 692-9001 (See attachment)

DEFENDANTS

City of San Diego, Anthony Arevalos, William Lansdowne, Does 1-50

County of Residence of First Listed Defendant San Diego

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Office of the City Attorney

'12CV0243 W WVG**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983

Brief description of cause:
Civil Rights**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/19/2011

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ATTACHMENT - ADDITIONAL ATTORNEY OF RECORD

Tate Lounsbery
270 E. Douglas Avenue
El Cajon, California 92020
Tel: (619) 401`-4000